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ZJW

Docket No.: WBI 7403US
Date: September 8, 2006

Appl. No.	:	09/595,352
Applicant	:	Leo A. Whiteside
Filed	:	June 15, 2000
Title	:	ACETABULAR COMPONENT WITH IMPROVED LINER SEAL AND LOCK
TC/A.U.	:	3738
Examiner	:	Bruce E. Snow; Corrine McDermott
Conf. No.	:	
Docket No.	:	WBI 7403US

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Transmitted herewith is:

☒ An amendment in the above-identified application in response to a telephone conference with Examiner on May 31, 2006 and Final Office Action of June 14, 2006;

☒ No additional fee is required.

Small Entity Status:

☒ Applicant claims small entity status.

☐ Applicant DOES NOT claim small entity status.

The fee has been calculated as shown:

CLAIMS AS AMENDED

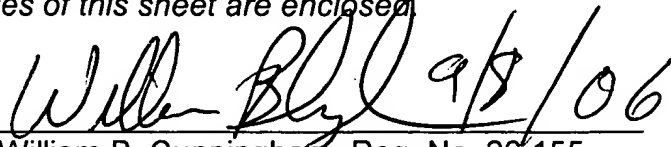
	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate - Other Than A Small Entity	Rate - Small Entity	Additional Fee
Total Claims	4 -	4 =	0	\$50.00	\$25.00	0
Indep. Claims	2 -	2 =	0	\$200.00	\$100.00	0

Total Additional Fee:


\$0

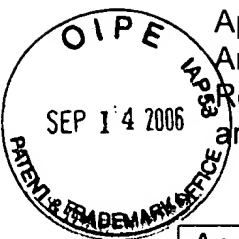
☐ A check in the amount of \$0 is attached.

The Commissioner is hereby authorized to charge any additional fees or credit overpayment under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account 162201. *Duplicate copies of this sheet are enclosed.*


William B. Cunningham, Reg. No. 26,155

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on September 8, 2006.


William B. Cunningham, Reg. No. 26,155



Appl. No. 09/595,352

Amdt. dated September 8, 2006

Reply to Telephone Conference with Examiner on May 31, 2006
and Final Office Action of June 14, 2006

Appl. No.	:	09/595,352
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Conf. No.	:	
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Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT D

Sir:

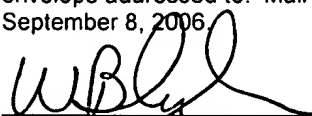
This is in response to a telephone conference with Examiner Corrine McDermott on May 31, 2006 and in response to the Final Office Action of June 14, 2006, regarding the above identified reissue application. It is understood that the above reissue application is now in form for issuance, but certain formal matters must be taken care of.

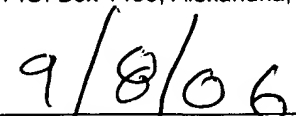
Assignment Records

First, Examiner McDermott stated that there is a discrepancy regarding the assignment of this application. It is noted that in the Reissue Declaration and Power of

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 8, 2006


William B. Cunningham, Reg. No. 26,155


Date

Appl. No. 09/595,352
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Reply to Telephone Conference with Examiner on May 31, 2006
and Final Office Action of June 14, 2006

Attorney By Inventor, filed with the reissue application on June 15, 2000, that the parent application (Serial No. 08/466,607, filed June 6, 1995) was assigned to Surgical Technologies, Inc. In fact, the '607 application was assigned to Surgical Accessories, Inc., a Missouri Corporation.

A copy of this assignment from Leo A. Whiteside, the inventor, to Surgical Accessories, Inc. was recorded in the PTO on June 6, 1995 on Reel 7519, Frame 0922. A copy of this Assignment and the Recordation documents are attached, as Exhibit 1. It will be noted that this assignment also assigns "any Letters Patents, including divisionals, continuations, reissues, reexaminations and extensions to be obtained in the United States ..." Because U.S. Patent 5,766,260 is a continuation of Serial No. 08/466,607, the '260 was also assigned to Surgical Accessories, Inc. by the above-noted assignment.

Also filed with the Reissue Declaration was a document entitled Assent of the Assignee, signed by the inventor, Leo A. Whiteside, in which Whiteside Biomechanics, Inc. is stated to be the assignee of this patent, as shown on the above-noted assignment recorded on June 6, 1995 on Reel 7519, Frame 0922. However, as noted above, the assignee shown on this assignment was Surgical Accessories, Inc.

On October 18, 1995, the name of Surgical Accessories, Inc. was changed to Whiteside Biomechanics, Inc. A copy of a Certificate of Corporate Records from the Missouri Secretary of State is attached as Exhibit 2 stating that on October 18, 1995, the name of Surgical Accessories, Inc. was changed to Whiteside Biomechanics, Inc.

Appl. No. 09/595,352
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Submitted herewith, as Exhibit 3, is a fresh Assent of Assignee, executed by Leo A. Whiteside, President of Whiteside Biomechanics, Inc., the current assignee of U.S. Patent 5,766,260.

Accordingly, it is submitted that this discrepancy regarding the owner of this U.S. Patent 5,766,206 and the request for reissue has now been corrected.

Amendment of the Cross Reference To Related Applications Section

Examiner McDermott also indicated that the application would need to amend the Cross Reference to Related Application Section. Please Amend The Specification As Follows:

This is a reissue of U.S. Patent 5,766,260, issued June 16, 1998, which was based on Application No. 08/847,887, filed April 28, 1997, which is a continuation of Application Serial No. 08/466,607, filed June 6, 1995, abandoned.

Transfer of Formal Drawings

Examiner McDermott further stated that the application should request that the formal drawings be transferred from U.S. Patent Application No. 847,887 to the instant reissue application. Accordingly, Applicant so requests that the formal drawings be transferred from U.S. Patent Application No. 847,887 to the instant application Serial No. 09/595,352.

Supplemental Declaration

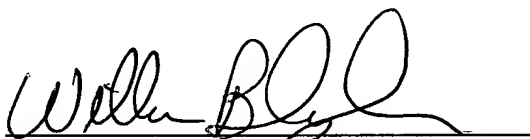
Enclosed is an executed Supplemental Declaration executed by Leo A. Whiteside, attached as Exhibit 4.

Appl. No. 09/595,352
Amdt. dated September 8, 2006
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It is now believed by the Applicant that this case is now ready for issuance. However, if the Examiner needs any further information, please telephone the undersigned.

The Commissioner is hereby authorized to charge any fees or credit overpayment under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account 162201.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William B. Cunningham, Jr.', written over a horizontal line.

William B. Cunningham, Jr.
Reg. No. 26,155
Polster, Lieder, Woodruff & Lucchesi
12412 Powerscourt Dr., Suite 200
St. Louis, MO 63131
Telephone 314-238-2400
Fax No. 314-238-2401

Attachments

1. Assignment and Notice of Recordation
2. Certificate of Corporate Records, Secretary of State, Missouri showing name change from Surgical Accessories, Inc. to Whiteside Biomechanics, Inc.
3. Substitute Assent of Assignee
4. Supplemental Declaration



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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

666
OCTOBER 22, 1995

R. HAFERKAMP

7733 FORSYTH BOULEVARD, SUITE 1400
ST. LOUIS, MO 63105

PTAS & H/

RECEIVED



100030925A

NOV 09 1995

**UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/06/1995

REEL/FRAME: 7519/0922
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

WHITESIDE, LEO A.

DOC DATE: 06/06/1995

ASSIGNEE:

SURGICAL ACCESSORIES, INC.
12634 OLIVE BLVD.
ST. LOUIS, MISSOURI 63141

SERIAL NUMBER: 08466607

FILING DATE: 06/06/1995

PATENT NUMBER:

ISSUE DATE:

STEVEN POST, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

POLSTER, LIEDER,
WOODRUFF & LUCCHESI
NOV 18 1995
RECEIVED

EXHIBIT

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08/466607

Express Mail #EG828690801US

FORM PT
1-3-92

100030925

INATION FORM COVER SHEET
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE

65705 Patent and Trademark Office



To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof

07/21/95

1. Name of conveying party(ies):

Leo A. Whiteside, M.D.

Additional name(s) of conveying party(ies) attached: ☐ Yes ☒ No

3. Nature of Conveyance:

☒ Assignment☐ Merger☐ Security Agreement ☐ Change of Name☐ OtherExecution Date: June 6, 1995

2. Name and address of receiving party(ies):

Name: Surgical Accessories, Inc.

Internal Address: 12634 Olive Blvd.

St. Louis, Missouri 63141

Street Address: 12634 Olive Blvd.

City St. Louis State: MO Zip: 63141Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: June 6, 1995

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: R. Haferkamp

Internal Address: 7733 Forsyth Boulevard, Suite 1400

St. Louis, Missouri 63105

Street Address: 7733 Forsyth Boulevard, Suite 1400

City: St. Louis State: MO Zip: 63105

6.

Total number of applications and patents involved: 17. Total fee (37 CFR 3.41) \$ 40.00☒ Enclosed☒ Authorized to be charge to deposit account (if amount is insufficient)

8. Deposit account number:

18-1829

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and Signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

R. Haferkamp

Name of person signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 3

PATENT

ASSIGNMENT

WHEREAS, I, Leo A. Whiteside, M.D. of 14825 Sugarwood Trail, Chesterfield, Missouri 63017 have invented certain new and useful improvements in ACETABULAR COMPONENT WITH IMPROVED LINER SEAL AND LOCK for which I have this same day executed an application for Letters Patent in the United States identifying me as the sole inventor thereof (said application being identified as Rogers, Howell & Haferkamp, L.C., Docket 952393), and

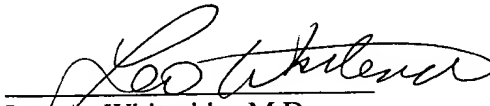
WHEREAS, Surgical Accessories, Inc., a corporation of the State of Missouri having its principal office and place of business at 12634 Olive Blvd., St. Louis, Missouri 63141, is desirous of acquiring the entire right, title and interest in and to said invention as disclosed in said application, said application, and in and to the patent to be obtained thereon.

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable considerations, receipt of all of which is hereby acknowledged, I, Leo A. Whiteside, M.D., have sold, assigned and transferred and do hereby sell, assign and transfer unto the said Surgical Accessories, Inc., its successors or assigns, the entire right, title and interest in and to said invention and improvement as the same is disclosed in a specification executed by me concurrently herewith preparatory to filing application for Letters Patent, in and to said application, and in and to any Letters Patent, including divisionals, continuations, reissues, reexaminations and extensions to be obtained therefor in the United States and all foreign countries; and I further agree to cooperate with the assignee hereunder in the obtaining and sustaining of any and all such Letters Patent as the assignee may desire to apply for, but at the expense of said assignee.

The Commissioner of Patents or other proper official is hereby authorized and requested to issue said Letters Patent to said Surgical Accessories, Inc. in accordance with this Assignment.

IN WITNESS THEREOF, I have hereunto set my hand the 6 day of

June, 1995.


Leo A. Whiteside, M.D.

STATE OF
COUNTY OF

:
: SS
:

On this 6th day of June, 1995 before me, a Notary Public, within and for the County of St. Louis, State of Missouri, personally appeared Leo A. Whiteside, M.D., to me known to be the person described in and who executed the foregoing assignment and acknowledged that he executed same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the date and year last above written.


Notary Public

My Commission Expires: February 13, 1998

PAULA M. CZARNECKI
NOTARY PUBLIC
COUNTY OF ST. LOUIS
STATE OF MISSOURI
MY COMMISSION EXPIRES FEB. 13, 1998



00350091

CERTIFICATE OF CORPORATE RECORDS

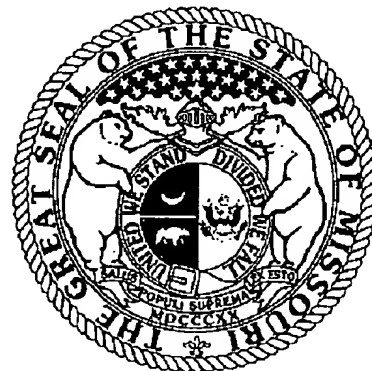
WHITESIDE BIOMECHANICS, INC.

I, ROBIN CARNAHAN, Secretary of the State of the State of Missouri and Keeper of the Great Seal thereof, do hereby certify that the annexed pages contain a full, true and complete copy of the original documents on file and of record in this office for which certification has been requested.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 12th day of July, 2005

Robin Carnahan

Secretary of State



Certification Number: 7854630-1 Reference:
Verify this certificate online at <http://www.sos.mo.gov/businessentity/verification>

EXHIBIT

AMENDMENT OF ARTICLES OF INCORPORATION

HONORABLE REBECCA McDOWELL COOK
SECRETARY OF STATE
STATE OF MISSOURI
P.O. BOX 778
JEFFERSON CITY, MISSOURI 65102

*Pursuant to the provisions of The General and Business Corporation Law of Missouri,
the undersigned Corporation certifies the following:*

(1) *The present name of the Corporation is: SURGICAL ACCESSORIES, INC.*

*The name under which it was originally organized was: SURGICAL ACCESSORIES,
INC.*

(2) *An amendment to the Corporation's Articles of Incorporation was adopted by the
Shareholders on OCTOBER 18, 1995.*

(3) *Article Number One is amended to read as follows:*

The name of the corporation is: Whiteside BioMechanics, Inc.

(4) *Of the one thousand (1,000) shares outstanding, one thousand (1,000) of such
shares were entitled to vote on such amendment.*

*The number of outstanding shares of any class entitled to vote thereon as a class were
as follows:*

<u>CLASS</u>	<u>NUMBER OF OUTSTANDING SHARES</u>
Common	1,000

(5) *The number of shares voted for and against the amendment was as follows:*

<u>CLASS</u>	<u>NUMBER VOTED FOR</u>	<u>NUMBER VOTED AGAINST</u>
Common	1,000	-0-

(6) *If the amendment changed the number or par value of authorized shares having a par value, the amount in dollars of authorized shares having a par value as changed is:*

N/A.

If the amendment changed the number of authorized shares without par value, the authorized number of shares without par value as changed and the consideration proposed to be received for such increased authorized shares without par value as are to be presently issued are:

(7) *If the amendment provides for an exchange, reclassification or cancellation of issued shares, or a reduction of the number of authorized shares of any class below the number of issued shares of that class, the following is a statement of the manner in which such reduction shall be effected:*

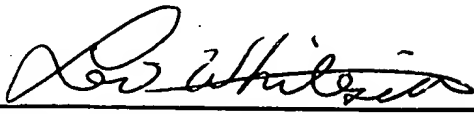
N/A.

IN WITNESS WHEREOF, the undersigned President has executed this instrument and its Secretary has affixed his corporate seal hereto and attested said seal on the 26th day of October, 1995.

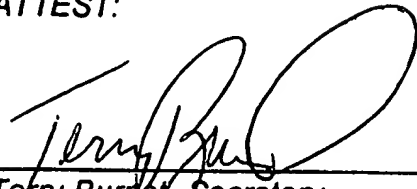
Whiteside BioMechanics, Inc.

PLACE CORPORATE
SEAL HERE

(None)

BY: 
Leo A. Whiteside, M.D., President

ATTEST:


Terry Burgett, Secretary

FILED AND CERTIFICATE
ISSUED
NOV 16 1995


STATE OF MISSOURI

COUNTY OF ST. LOUIS

)
) SS
)

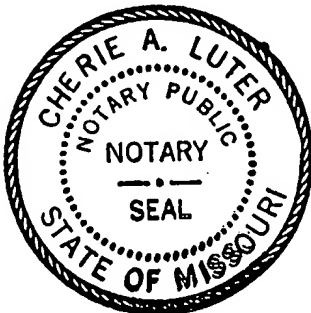

REBECCA McDOWELL COOK
SECRETARY OF STATE

I, Cherie A. Luter, a Notary Public, do hereby certify that on this 26th day of October, 1995, personally appeared before me, Leo A. Whiteside, M.D., who being by me first duly sworn, declared that he is the President of Whiteside BioMechanics, Inc., that he signed the foregoing document as President of the Corporation and that the statements therein contained are true.


Notary Public

My Commission Expires: 4-17-96

CHERIE A. LUTER
Notary Public, State of Missouri
My Commission Expires 4/17/96
St. Louis County



STATE OF MISSOURI



Rebecca McDowell Cook
Secretary of State
 CORPORATION DIVISION
 CERTIFICATE OF AMENDMENT

WHEREAS,

WHITESIDE BIOMECHANICS, INC.

FORMERLY,

SURGICAL ACCESSORIES, INC.

A CORPORATION ORGANIZED UNDER THE GENERAL AND BUSINESS CORPORATION LAW HAS DELIVERED TO ME A CERTIFICATE OF AMENDMENT OF ITS ARTICLES OF INCORPORATION AND HAS IN ALL RESPECTS COMPLIED WITH THE REQUIREMENTS OF LAW GOVERNING THE AMENDMENT OF ARTICLES OF INCORPORATION UNDER THE GENERAL BUSINESS CORPORATION LAW, AND THAT THE ARTICLES OF INCORPORATION OF SAID CORPORATION ARE AMENDED IN ACCORDANCE THEREWITH.

IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND IMPRINTED THE GREAT SEAL OF THE STATE OF MISSOURI, ON THIS, THE 16TH DAY OF NOVEMBER, 1995.

Rebecca McDowell Cook
 Secretary of State

\$25.00




PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Leo A. Whiteside
SERIAL NO.: 09/595,352
FILED: June 15, 2000
EXAMINER: Bruce E. Snow; Corrine
McDermott
DOCKET NO.: WBI 7403US
GROUP ART UNIT: 3738
FOR: Acetabular Component With
Improved Liner Seal and Lock

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on 9/8, 2006.



William B. Cunningham, Jr.,
Reg. No. 26,155


Sept 8, 2006
Date of Signature

Commissioner of Patents
Washington, DC 20231

St. Louis, Missouri

SUBSTITUTE ASSENT OF ASSIGNEE

Whiteside Biomechanics, Inc., a corporation of the State of Missouri having its principal offices at 1000 Des Peres Road, Suite 140, St. Louis, MO 63131, is the sole assignee of all right, title, and interest in U.S. Patent 5,766,260 under an assignment in the U.S. Patent and Trademark Office recorded on June 6, 1995, on Reel 7519, Frame 0922, hereby assents to the reissue of U.S. Patent 5,766,260 and to the reissue of that patent. In October, 1995 the name of the assignee shown on the above-noted assignment was changed from Surgical Accessories, Inc. to Whiteside Biomechanics, Inc. Whiteside Biomechanics, Inc. offers to surrender U.S. Patent 5,766,260 in order to obtain reissue of that patent.


Leo A. Whiteside, President
Whiteside Biomechanics, Inc.

St. Louis, Missouri

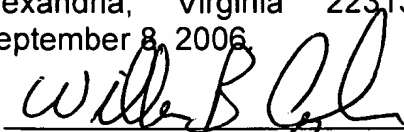
Date 8-30-06

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Leo A. Whiteside
SERIAL NO.: 09/595,352
FILED: June 15, 2000
EXAMINER: Bruce E. Snow
DOCKET NO.: WBI 7403US
GROUP ART UNIT: 3738
FOR: Acetabular Component With
Improved Liner Seal and Lock

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on September 8, 2006.



William B. Cunningham, Jr.,
Reg. No. 26,155

Sept 8, 2006
Date of Signature

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

St. Louis, Missouri

Sir:

SUPPLEMENTAL DECLARATION UNDER 37 C.F.R. 1.175(B)(1)

I, the below named inventor, hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention in the above-entitled application.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by the

EXHIBIT

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amendments filed on June 13, 2000, June 14, 2001, February 21, 2002, September 20, 2002 and January 10, 2003.

I hereby acknowledge the duty to disclose information, which is material to patentability as defined in 37 CFR 1.56.

I hereby state that Whiteside Biomechanics, Inc. is the current assignee as described in the Substitute Assent of Assignee, filed concurrently herewith.

Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor:

Leo A. Whiteside

Inventor's Signature:



Residence:

City of Chesterfield, State of Missouri

Citizenship:

United States of America

Post Office address:

14825 Sugarwood Trail
Chesterfield, MO 63005

Date:

8-30-06